

**In the
Supreme Court of Ohio**

**JENNIFER GIROUX and THOMAS E.
BRINKMAN, JR.**

Case No. 2023-0946

Relators,

v.

**COMMITTEE REPRESENTING THE
PETITIONERS WITH RESPECT TO
THE INITIATIVE PETITION
PROPOSING AN AMENDMENT TO
THE OHIO CONSTITUTION
ENTITLED THE RIGHT TO
REPRODUCTIVE FREEDOM WITH
PROTECTIONS FOR HEALTH AND
SAFETY ET AL.**

Respondents

**RESPONDENT OHIO SECRETARY OF STATE'S RESPONSE TO RELATORS'
EMERGENCY MOTION TO EXPEDITE BRIEFING SCHEDULE**

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Relators filed this original action under Article II, Section 1(g) of the Ohio Constitution seeking to invalidate the *Right to Reproductive Freedom with Protections for Health & Safety* initiative petition (“Initiative Petition”) filed by Respondent Committee. Relators allege that the Initiative Petition fails to comply with all the statutory requirements. Relators ask this Court to invalidate the Initiative Petition and prohibit Respondent Secretary of State from placing the proposed constitutional amendment on the ballot for the general election to be held on November 7, 2023. Compl. ¶ 2.

Respondent Secretary of State certified the Initiative Petition on July 25, 2023. Comp. ¶ 35. Relators filed this challenge late in the afternoon on July 28, 2023, along with an Emergency Motion to Expedite Briefing Schedule seeking an expedited briefing schedule pursuant to Sup.Ct.Prac.R. 14(F). Relators propose the following briefing schedule:

Relators' Brief and Evidence due Friday, August 4, 2023

Respondents' Briefs and Evidence due Monday August 7, 2023

Relators' Reply Brief due on Tuesday August 8, 2023

Relators' Motion, FN1.

Relators' proposed schedule does not address any timeline for Respondents to Answer the Complaint, as Respondents are entitled to do.¹ In addition, Relators' Complaint raises issues that could have been raised long before July 28, 2023. Relators' own Complaint indicates that the Ohio Ballot Board issued a certification letter on the Initiative Petition on March 13, 2023. Comp. ¶ 29-30. Indeed, other relators represented by same counsel filed a prior mandamus action in March 2023 against Respondent Committee and the Ohio Ballot Board which challenged the Initiative Petition under R.C. 3519.01, the same statute implicated in the instant Relators' Complaint. See *State of Ohio ex rel. Margaret DeBlase and John Giroux v. Ohio Ballot Board, et al.* Supreme Court Case no. 2023-0388. Thus, while an expedited schedule is necessary for the Court to issue a timely decision and comply with Article II, Section 1(g), Relators' delay in bringing this action

¹ Relators cite a prior case in support of their proposal that this Court mirror a similar briefing schedule in the instant case. *Ohio Renal Association v. Kidney Dialysis Patient Protection Amendment Comm.*, Supreme Court Case No. 2018-1047. However, in that case, respondents had already filed an Answer and there was a joint motion by relator and respondents which agreed to a more expedited schedule than the one originally set by the Court. Moreover, Relators in the *Ohio Renal Associations* case were ordered to submit a merit brief and evidence two days after the Court's Order briefing schedule was issued. 08/01/2018 Case Announcements #3, 2018-Ohio-3037.

should not impair Respondents ability to answer the complaint and properly respond to the challenge.

Accordingly, Respondent Secretary of State proposes a briefing schedule as follows:

Answers of Respondents due Tuesday, August 1, 2023

Relators' Brief and Evidence due Thursday, August 3, 2023

Respondents' Briefs and Evidence due Wednesday August 9, 2023

Relators' Reply Brief due no later than 5:00 p.m. on Thursday August 10, 2023

This schedule provides Respondents time to review and answer the Complaint, the parties sufficient time to file merit briefs and any required evidence, and would still have the matter decisional by August 10, 2023 providing the Court with time to rule before the August 14, 2023 deadline.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2023, the foregoing was filed electronically using the Court's e-filing system. I further certify that the foregoing was served via electronic mail upon the following:

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